

After Recording Return to:
Council
M/S 607
Attn: Clerk of the Council

Document Title: Amendment Number 4, Interlocal Agreement #9709190470, the "Interlocal Agreement between Snohomish County and the Washington State Department of Transportation Relating to Policies and Procedures for Interjurisdictional Review of Land Development Impacts Related to Transportation, and for Reciprocal Impact Mitigation for Interjurisdictional Transportation System Impacts"

PARTIES

This amendment is entered into pursuant to Chapter 36.70A RCW (the Growth Management Act), Chapter 36.70B (Local Project Review), Chapter 36.75 RCW (Roads and Bridges), Chapter 43.21C RCW (SEPA), Chapter 39.34 RCW (the Interlocal Cooperation Act), Title 47 RCW (Public Highways and Transportation), Chapter 58.17 RCW (Subdivisions) and Chapter 82.02 RCW (Excise Taxes) by the Washington State Department of Transportation, hereinafter "STATE", and Snohomish County, hereinafter "COUNTY", a political subdivision of the State of Washington.

PURPOSE AND RECITALS

WHEREAS, on September 17, 1997, the STATE and COUNTY executed Interlocal Agreement AFN 9709190470 ("AGREEMENT"), relating to policies and procedures for interjurisdictional review of land development impacts related to transportation and for reciprocal impact mitigation for interjurisdictional transportation system impacts, and

WHEREAS, on April 12, 2000 the AGREEMENT was amended to clarify several points and update the list of programmed WSDOT projects contained in Exhibit C of the AGREEMENT, and

WHEREAS, on March 6, 2003 the AGREEMENT was amended for a second time to clarify one point and update the list of programmed WSDOT projects contained in Exhibit C of the AGREEMENT, and

WHEREAS, on November 5, 2004 the AGREEMENT was amended for a third time to update the list of programmed WSDOT projects contained in Exhibit C of the AGREEMENT, and

WHEREAS, the parties wish to again amend the list of projects contained in Exhibit C and clarify points in the AGREEMENT,

NOW, THEREFORE in consideration of the promises and mutual covenants contained in the AGREEMENT, as amended, the STATE and the COUNTY agree to the amendments following:

AMENDMENTS

1. The current Exhibit C is deleted and replaced with a new Exhibit C, attached hereto, and incorporated herein by this reference.
2. All references to Title 26B SCC shall be replaced with Chapter 30.66B SCC.
3. Section 2.5 as stated in the AGREEMENT is amended as follows:

2.5 In the spirit of intergovernmental cooperation and pursuant to ~~((state environmental law))~~ authority granted by SEPA, Chapter 43.21C RCW, the COUNTY has imposed conditions on the approval of certain COUNTY development proposals at the request of the STATE to mitigate transportation impacts within the jurisdiction of the COUNTY in accordance with the Title 26B SCC road impact mitigation provisions.

4. Section 5 as stated in the AGREEMENT is amended as follows:

V. THE STATE'S DESIGNATED REGULATIONS, CODES, MITIGATION POLICIES AND PROCEDURES

This agreement constitutes the policies and procedures of the STATE under SEPA in accordance with SCC 23.26.030(4), and under Chapter 58.17 RCW, for review and mitigation of the transportation impacts on state highways that are part of the road system, as defined in SCC 26B.51.100, of any development that is located within the unincorporated COUNTY. "Road system", as defined in 26B.51.100 means those existing or proposed public roads whether state, county or city (including freeway interchanges with county roads or city streets and the ramps for those interchanges but excluding freeway mainlines), within: (1) The transportation services area, as defined by the Snohomish county transportation needs report, in which a development is located, except that instead an adjacent transportation service area may apply if determined by the director [of Snohomish county department of public works] to be more appropriate where a development has a greater impact on public roads in an adjacent transportation service area in which the development is located; or (2) The area of another county which is adjacent to the transportation service area in which the development is located.

For most developments, determination and mitigation of impacts on the road system of the development as defined in SCC 26B.51.100, in accordance with this agreement, will satisfy the requirements of SEPA for mitigation of developments impacts on state highways, recognizing that particular development circumstances may require variation due to development type, location, and proximity to Transportation Service Area boundaries, and other direct, indirect or cumulative impacts.

Sections 5.1 through 5.9 below define the traffic analysis and mitigation requirements of this AGREEMENT. Section 5.1 defines the traffic analysis requirements for developments. Traffic analysis is used to determine a developments impacts and possible mitigation measures. Following the traffic analysis, the STATE may request proportionate share impact mitigation (Section 5.2), or mitigation for impacts on level-of-service or safety (Section 5.3). As mitigation for level-of-service or safety impacts the STATE may request installation of traffic signals

(Section 5.4) or channelization improvements (Section 5.5). Sections 5.6 through 5.9 apply only to developments adjacent to STATE highways. For developments located adjacent to a STATE highway, the STATE may request frontage improvements (Section 5.6) and/or transfer of right-of-way (Section 5.7). Setbacks for developments located adjacent to STATE highways will be required consistent with Section 5.8. In addition, access permits from the STATE are required for developments located adjacent to STATE highways consistent with Section 5.9. The STATE will not request, nor will the COUNTY recommend, any mitigation measures falling outside the scope of Sections 5.2 through 5.9.

In order to determine and mitigate the impacts of the traffic generated by a new development, under the authority of SEPA, Chapter 43.21C RCW, the STATE may request any of the following mitigation measures:

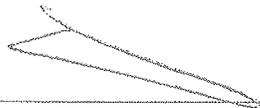
This amendment shall become effective following the approval of the amendment by the official action of the governing bodies of each of the parties hereto, the signing of the amendment by the duly authorized representative of each of the parties hereto, and recording of the executed amendment with the County Auditor.

IN WITNESS WHEREOF, the parties have signed this Amendment Number 4, effective on the signing below by the authorized representatives of STATE and COUNTY.

Washington State Department
of Transportation (WSDOT)

Snohomish County


Russell S. East, P.E.
Assistant Regional Administrator, WSDOT


Aaron Reardon
Snohomish County Executive
Deputy Executive

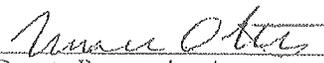
Dated 9-23-09

Dated 2/10/10

Approved as to form:


Ann E. Salay 9-21-09

Approved as to form:


Deputy Prosecuting Attorney
Matthew Otten

